

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYUAN SIMON,

Petitioner,

v.

THERESA DELBALSO, *et al.*,

Respondents.

Case No. 19-cv-4263-JDW

ORDER

AND NOW, this 31st day of August, 2021, upon careful and independent consideration of the pleadings and available state court records, and upon review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (ECF No. 22) and Petitioner Tyuan Simon's Objections to Magistrate's Report and Recommendation (ECF No. 28), it is **ORDERED** as follows:

1. Petitioner's Objections to Magistrate's Report and Recommendation (ECF No. 28) are **OVERRULED**;
2. The Report and Recommendation (ECF No. 22) is **APPROVED** and **ADOPTED**;
3. The Petition for a Writ of Habeas Corpus is **DISMISSED**;
4. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
5. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.